

Message Text

LIMITED OFFICIAL USE

PAGE 01 KINGST 01110 062340 Z

12

ACTION L-03

INFO OCT-01 ARA-09 ADP-00 PER-05 OC-06 CCO-00 SCA-01 RSR-01

RSC-01 /027 W

----- 002721

R 062122 Z APR 73

FM AMEMBASSY KINGSTON

TO SECSTATE WASHDC 1582

LIMITED OFFICIAL USE KINGSTON 1110

E. O. 11652: N/ A

TAGS: APER AREG PFOR JM

SUBJ: WAIVER OF DIPLOMATIC IMMUNITY TO TESTIFY IN COURT

REF: STATE 63173

1. ON APRIL 5, THE JURY RETURNED A VERDICT OF " NOT GUILTY" ON ONE OF THE ACCUSED AND A " GUILTY OF MANSLAUGHTER" VERDICT ON THE OTHER. THE JUDGE HANDED DOWN A SENTENCE OF SIX YEARS.
2. PRESS REPORTS ON THE CASE INDICATE THAT THE JURY SAW FIT NOT TO BELIEVE ANY OF THE TESTIMONY OF THE WITNESS WHO CLAIMED SHE WAS WITH MR. KUTSMEDA WHEN SHE SAW THE ACCUSED AT THE SCENE OF THE CRIME. KUTSMEDA' S FAILURE TO APPEAR IN COURT THUS WOULD SEEM TO HAVE HAD NO EFFECT ON THE VERDICT.
3. COMMENT: ALTHOUGH NO EMBASSY OBSERVERS WERE AT THE COURT, IT SEEMS LIKELY THAT OUR BEHIND THE SCENES WORK WITH THE JUDGE, THE PROSECUTION, AND THE DEFENSE, TOGETHER WITH THE HIGH PROFILE EAGERNESS OF THE DEFENSE TO SECURE MR. KUTSMEDA' S TESTIMONY, PRODUCED JUST AS MUCH DOUBT IN THE MINDS OF THE JURY AS TO THE CREDIBILITY OF THE PROSECUTION' S WITNESS AS WOULD HAVE KUTSMEDA' S ACTUAL APPEARANCE IN COURT. THE MANSLAUGHTER VERDICT ON ONE ACCUSED WAS APPARENTLY BASED SOLELY ON STATEMENTS MADE TO THE POLICE BY HIS FELLOW ACCUSED.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 KINGST 01110 062340 Z

4. THE QUESTION OF DEFECTS IN THE JAMAICAN LEGAL
SYSTEM THUS DOES NOT ARISE, AND THE EMBASSY DOES NOT
PLAN TO TAKE THIS LINE IN ANY DISCUSSION WITH
JAMAICAN OFFICIALS. IN THIS CONNECTION, THE DEPARTMENT
MIGHT WISH TO CONSULT RULE 15 OF THE APPENDIX TO
TITLE 18 OF THE U. S. CODE.
ROBERTS

LIMITED OFFICIAL USE

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts:
Control Number: n/a
Copy: SINGLE
Draft Date: 06 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: hilburpw
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973KINGST01110
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: KINGSTON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730435/aaaahthj.tel
Line Count: 76
Locator: TEXT ON-LINE
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 STATE 63173
Review Action: RELEASED, APPROVED
Review Authority: hilburpw
Review Comment: n/a
Review Content Flags:
Review Date: 24 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <24-Jan-2002 by boyleja>; APPROVED <24-Jan-2002 by hilburpw>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971203
Subject: WAIVER OF DIPLOMATIC IMMUNITY TO TESTIFY IN COURT
TAGS: APER, AREG, PFOR, JM, AREG
To: L
SECSTATE WASHDC
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005